

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIANE OWENS,

Plaintiff,

v.

Case No. 06-11682

DETROIT MEDICAL CENTER
and HARPER HOSPITAL

HONORABLE AVERN COHN

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO DISMISS NOTICE OF DENIAL OF
REQUEST FOR DEFAULT JUDGMENT**

This is an employment discrimination case which has been dismissed and affirmed on appeal. Plaintiff Diane Owens, proceeding pro se, was an employee of defendant Harper Hospital. She claimed that she was wrongfully discharged after she filed a complaint with the Equal Employment Opportunity Commission (EEOC) and was discriminated against her on the basis of her race (African-American).

Defendants filed a motion to dismiss on the grounds that the complaint was untimely. The Court agreed, noting that plaintiff received her right to sue letter in 2002 and did not file her complaint until 2006, well beyond the 90 day requirement. See Memorandum and Order Granting Defendants' Motion to Dismiss and Dismissing Case, filed June 12, 2006. The Court denied plaintiff's motion for reconsideration. See Order

filed June 26, 2006. Plaintiff appealed. The Court of Appeals for the Sixth Circuit affirmed the Court's dismissal. See Order in case no. 06-2046, filed January 29, 2007.

Thereafter, on October 25, 2007, plaintiff filed a request for clerk's entry of default, requesting a default judgment against defendants in the amount of \$7,000,000.00. The Clerk denied plaintiff's request that same day on the grounds that the case closed in June of 2006.

Before the Court's is plaintiff's paper styled "Motion to Dismiss Notice of Denial of Request for Clerk's Entry of Judgment by Default . . .," in which she argues that a default judgment is appropriate. The motion is DENIED. Because defendants answered the complaint and defended the case, which is now closed, there is no basis for obtaining a default judgment. See Fed. R. Civ. P. 55.

SO ORDERED.

s/Avern Cohn

AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: December 03, 2007

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Diane Owens, P.O. Box 35169, Detroit, MI 48235 on this date, December 4, 2007, by electronic and/or ordinary mail.

s/Julie Owens

Case Manager, (313) 234-5160